

**Title 05 DEPARTMENT OF HOUSING
AND COMMUNITY DEVELOPMENT
Subtitle 02 BUILDING AND MATERIAL CODES**

Chapter 04 Industrialized Buildings and Manufactured Homes

Authority: Public Safety Article, §12-305, Annotated Code of Maryland

.01 Authority and Scope.

A. This chapter is adopted pursuant to Public Safety Article, §12-305, Annotated Code of Maryland, in order to implement, interpret, make specific, and otherwise carry out the provisions of Public Safety Article, Title 12, Subtitle 3, Annotated Code of Maryland, known as the Industrialized Building and Manufactured Homes Act.

B. Former regulations as originally adopted effective July 1, 1972, included industrialized buildings and manufactured homes. The HUD Manufactured Home Construction and Safety Standards superseded the State standards for manufactured homes on June 15, 1976. Approval of manufactured home inspection agencies and manufactured home plans is also now a responsibility of HUD or its agent, so these regulations pertain primarily to industrialized buildings. Regulation .15 does, however, cover the functions of the Department as a State Administrative Agency under HUD programs. Related manufactured home functions, such as handling of consumer complaints and monitoring of primary inspection agencies, are not covered by this chapter.

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Act" means the Industrialized Buildings and Mobile Homes Act, Public Safety Article, Title 12, Subtitle 3, Annotated Code of Maryland

(2) "Add-on" means any structure (except a structure designed or produced as an integral part of a manufactured home) that, when attached to the basic manufactured home unit, increases the area, either living or storage, of the manufactured home.

(3) Alteration.

(a) "Alteration" means the installation, replacement, addition, modification, or removal of any equipment after sale by a manufacturer to a dealer or distributor, but before sale by a dealer to a purchaser, that may affect the construction, fire safety, occupancy, plumbing, heat producing, or electrical system.

(b) "Alteration" includes any modification made in the manufactured home that may affect the compliance of the home with the standards.

(c) "Alteration" does not include the:

- (i) Repair or replacement of a component or appliance requiring plug-in to an electrical receptacle when the replaced item is of the same configuration and ratings as the one being replaced; or
- (ii) Addition of an appliance, not provided with the manufactured home by the manufacturer, requiring plug-in to an electrical receptacle, if the rating of the appliance does not exceed the rating of the receptacle to which it is connected.

(4) "Federal Act" means the National Manufactured Housing Construction and Safety Standards Act of 1974, codified as 42 U.S.C. §5401 et seq., as amended.

(5) "Federal Regulations" means the Manufactured Home Construction and Safety Standards, 24 CFR Part 3280, the Manufactured Home Procedural and Enforcement Regulations, 24 CFR Part 3282, and the Manufactured Home Consumer Manual Requirements, 24 CFR Part 3283.

(6) "HUD label" means the approved form of certification by the manufacturer that, under the federal regulations, is permanently affixed to each transportable section of each manufactured home manufactured for sale to a purchaser in the United States.

(7) Manufactured Home.

(a) "Manufactured home" (formerly called a mobile home in the Act and in the Federal Act) means a structure, transportable in one or more sections, that is:

- (i) In the traveling mode, 8 body feet or more in width or 40 body feet or more in length;
- (ii) When erected on site, 320 or more square feet;
- (iii) Built on a permanent chassis;
- (iv) Designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities; and
- (v) Includes the plumbing, heating, air-conditioning, and electrical systems contained in it.

(b) "Manufactured home" includes any structure that meets all the requirements of §B(7)(a) of this regulation except the size requirements, with respect to which the manufacturer voluntarily:

- (i) Files a certification required by the Secretary of HUD; and
- (ii) Complies with the standards established under the Federal Act.

(8) "Model" means a specific design, as designated by the producers of an industrialized building unit and submitted for approval to the Department.

(9) "Open frame construction" means any building, building component, assembly, or system manufactured in such manner that all portions can be readily inspected at the building site without disassembly, damage, or destruction and to which no more than one fixed interior or exterior surface has been applied.

(10) "Regulations" means the State Industrialized Buildings and Mobile Homes Regulations (COMAR 05.02.04.01—.18).

(11) "Stabilizing devices" means all components of the anchoring and support systems, such as:

- (a) Piers;
- (b) Footing;
- (c) Ties;
- (d) Anchoring equipment;
- (e) Ground anchors; and
- (f) Any other equipment that supports the manufactured home and secures it to the ground.

(12) The terms "approved testing facility", "Department", "first user", "industrialized building", "installed", "local enforcement agency", "manufactured home", "Manufactured Home Construction and Safety Standards Act", "Secretary", and "site" have the meanings stated in Public Safety Article, §12-301, Annotated Code of Maryland.

.03 Enforcement Generally.

A. General. These regulations shall be enforced as prescribed by the Act.

B. Inspection by Department. The Department may enter any industrialized building unit or manufactured home, at a reasonable time and manner, to inspect it for compliance with this chapter. If the inspection shows a violation, the Department may order the responsible person to bring the unit into compliance within a reasonable time fixed in the order. The order may be appealed to the Secretary who will investigate promptly and affirm, revoke, or modify the order.

C. Failure to Comply with Department Order. If the Department has determined, under Regulation .03B, that a violation exists, and the responsible person fails to bring the unit into compliance, the Secretary may refer the violation to the appropriate state's attorney, or suspend or cancel the manufacturer's approval, or both, as necessary to ensure compliance.

.15 Manufactured Home Procedures.

A. General. The Federal Act gives the U.S. Department of Housing and Urban Development (HUD) complete jurisdiction over the design and construction of manufactured homes, effective June 15, 1976. The Federal Act supersedes all state laws on this subject. All manufactured home units manufactured after the effective date of the Federal Act shall bear the HUD label to be lawfully sold anywhere in the United States.

B. Authority of the Department. The Department is a State Administrative Agency pursuant to the Federal Act, authorized to administer and enforce the federal program in the State. The powers and responsibilities of the Department are set forth in Public Safety Article, §12-312, Annotated Code of Maryland.

C. Manufactured Homes Not Bearing HUD Label. A person may not sell or offer for sale to the first user in Maryland any manufactured home that is manufactured after January 1, 1973, unless it bears the insignia of the Department or is certified and labeled under the Federal Act.

D. Repealed.

E. Manufactured Home Installation.

(1) Stabilizing devices for manufactured homes bearing HUD labels shall be installed in accordance with the manufacturer's installation instructions provided with the unit pursuant to §3280.306 of the federal regulations.

(2) When the information for stabilizing device materials is not provided in the manufacturer's installation instructions, the materials shall be as approved by the local enforcement agency.

(3) When a manufactured home is located in an area subjected to frost heave, the footings and load carrying portion of the ground anchors shall extend below the frost line or as per the requirements established by the local enforcement agency.

F. Enforcement Generally. Enforcement shall be in accordance with the Federal Regulations, codified at 24 C.F.R. Part 3282, Subpart G.

G. Enforcement in Localities.

(1) Manufactured homes bearing the HUD label shall be acceptable in all localities as meeting the requirements of the Act, and shall be acceptable as meeting the requirements of safety to life, health, and property imposed by any local enforcement agency in this State without further investigation, testing, or inspection.

(2) Notwithstanding §G(1) of this regulation, local enforcement agencies are responsible for the following functions with respect to manufactured homes bearing the HUD labels:

(a) Verification that the unit has not been damaged in transit;

(b) Verification that the unit bears the HUD label and all other pertinent documents, including consumer manuals, installation manuals, and record of purchase cards provided with the unit pursuant to the Federal Regulations;

(c) Inspection and verification to assure that the unit is installed in accordance with these regulations; and

(d) Inspection of manufactured home alteration and add-ons to ensure that they do not cause a failure of the manufactured home to conform with the Federal Regulations.

(3) Local enforcement agencies may enforce local requirements for zoning, fire limits or fire districts, utility connections, site preparation and issuance of all required permits.

(4) Action Upon Violation.

(a) When the local enforcement agencies find violations of the Federal Regulations concerning construction of the manufactured homes, they shall forward notice of these violations to the Department.

(b) When damage is discovered or suspected, local enforcement agencies may require tests on plumbing, fuel burning, and electrical systems to determine the extent of damage.

(c) If it is determined that manufactured home installations, alterations, or add-ons are not in accordance with this chapter, local enforcement agencies are responsible for ensuring that the unit is brought into compliance. Local enforcement agencies may refer apparent violations of this chapter to the appropriate State's attorney for enforcement of the Act.

H. Restrictions on Distributors and Dealers.

(1) Alterations. A distributor or dealer may not perform or cause to be performed any alteration affecting any requirements of the Federal Regulations, without approval of the local enforcement agency. In handling and approving dealer requests for alterations, the local enforcement agency may be assisted by the Department.

(2) Prohibited Sale. A distributor or dealer may not offer for sale any manufactured home containing any violation of the Federal Act or Federal Regulations.